

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|---------------------|
| RAKYM DURHAM | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 20-3944 |
| | : | |
| OFFICER MOUZONE #3059, et al. | : | |

ORDER

AND NOW, this 2nd day of July 2021, upon considering Plaintiff's Amended Complaint (ECF Doc. No. 48) following dismissal of the earlier named defendant officers after extended discovery, and following today's telephone conference, it is **ORDERED** we **vacate** the prospective obligations under our May 7, 2021 Order (ECF Doc. No. 334), the parties are attached for a three day jury trial beginning **November 1, 2021**, and shall proceed consistent with Federal Rule 1 to resolve this matter:

1. All remaining fact and expert discovery shall be served, noticed and completed by **September 3, 2021**.¹

2. Plaintiff shall timely respond to all outstanding discovery requests no later than **July 9, 2021**.

3. No later than **August 11, 2021**, all parties seeking relief of any sort shall serve a detailed written demand upon all parties claimed to be responsible for any claim of relief. All responding parties shall provide a detailed written response on or before **August 18, 2021**

¹ Defendant deposed the Plaintiff before he amended his complaint. The parties agree as to a limited number of depositions after exchanging timely discovery responses. Should *all* parties wish to extend this *discovery* deadline *without extending any other deadline*, the parties may agree to do so without seeking leave of the Court.

4. Plaintiff's counsel shall immediately contact Judge Heffley's Chambers to arrange for a renewed settlement conference to be held no later than **September 8, 2021**.

5. Summary judgment and *Daubert* motions, if any, shall be filed no later than **September 13, 2021**. Responses shall be filed in accord with the Local Rules and this Court's Policies and no later than **September 27, 2021**.

6. No later than **October 8, 2021**, counsel for each party shall exchange a list identifying each exhibit the party expects to offer at trial along with a reference to the Bates number or other identification of the documents used in discovery.

7. No later than **October 12, 2021**, each party shall file a pretrial memorandum compliant with our Policies.

8. No later than **October 13, 2021**, each party shall file proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories, with an electronic copy e-mailed in Word format to Chambers_of_Judge_Kearney@paed.uscourts.gov.

9. All motions affecting trial presentations (e.g., *in limine*), proposed *voir dire* peculiar to your case, objections to proposed jury instructions, list of contested exhibits and deposition designations (providing the exhibits and highlighted designations to Chambers) shall be filed on or before **October 14, 2021**. Responses, including highlighted counter-designations and objections, if any, shall be filed on or before **October 21, 2021**.

10. A final pretrial conference will be held telephonically on **October 28, 2021** at **8:30 A.M.** (Dial-in Number: 888-278-0296; Access Code: 5723096#).

11. Counsel is attached for jury selection followed by a three-day trial beginning on **November 1, 2021 at 9:00 A.M.** in Courtroom 6-B.


KEARNEY, J.